

To: Tim Duane[tpduane@ucsc.edu]
Cc: Villa, Clifford[villa@law.unm.edu];
envlawprofessors@lists.uoregon.edu[envlawprofessors@lists.uoregon.edu]
From: envlawprofessors-bounces@lists.uoregon.edu
Sent: Fri 8/14/2015 6:57:46 PM
Subject: Re: [Envlawprofessors - UOregon] Animas River spill
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Tim, Zyg et al.,

Some of the better stories on this incident—in alternative media but also in the NY Times and perhaps elsewhere in mainstream media—have noted that this accident occurred during a remediation investigation and that there are some 2000 unmediated mining sites in southwestern Colorado alone and about 500,000 nationwide, the legacy of haphazard and uncontrolled mining activity on public lands under the oft-criticized but unreformed 1874 mining act. The yellow color of the spilled waste makes for dramatic visual footage, but it seems the residual contamination in the river (but not, of course, in all the buried wastes in the upstream slopes) will be minimal and one hopes that in this case at least, the solution to the pollution will be in dilution of the Animas waters in the Colorado and Lake Powell.

One unfortunate side effect of this spill is the opening for the right wing, like our Republican governor in NM, Susana Martinez, to demonize the EPA and to suggest that the private sector could do a better job. But where did the waste come from in the first place, Susana? And wasn't the EPA contractor doing the work a private sector firm? But these folks don't bother with facts or analysis, but with soundbites and ideology, and this was a ripe opportunity for them.

Regards,

Sandy

On Aug 14, 2015, at 12:35, Tim Duane <tpduane@ucsc.edu> wrote:

Zyg,

This is a great point. I've also been struck by how both the citizenry and the media have focused on attacking EPA for its contractors' mistakes and generally not talked about this disaster as a predictable consequence of the original mining activity and how liability for the disaster is ultimately traceable to nonexistent regulation of those activities.

Best,

Tim

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Tim Duane
Professor
Environmental Studies
University of California
1156 High Street
Santa Cruz, CA 95064

tpduane@ucsc.edu
Cell: 415.509.5263
www.timduane.com

SSRN: http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1247685

On Aug 14, 2015, at 10:31 AM, Zygmunt Plater <plater@bc.edu> wrote:

I don't know the data, but a possible angle on this Animas River pollution story that has not to my knowledge been noted in media coverage comes from Jared Diamond's book "Collapse." In the first part, "Modern Montana," he avers that the vast cost of repairing the West's mined lands and waters--virtually all being restored at taxpayer expense--greatly exceeds in constant dollars the total revenues harvested from those mined lands by private industry over the years. If that fact is indeed backed up by the data (PERC has attacked the book but presents no pertinent evidence on the point) it could provide a very good teaching moment backdrop to the current Animas River coverage, much of it castigating EPA restoration efforts. Those past substantial mining revenues and their related devastations of the mostly-federal lands came, of course, in an historical opportunity-cost context; it was a time when those Western states desperately needed cash flow and economic multipliers to develop. But all national policy analysis needs to acknowledge and include an accounting for subsequent public consequences as well as front-end private profits.

If anyone knows more about this overview calculation, could you pass it on to an intelligent journalist, as well as to the list?

Good wishes.

ZP

Zygmunt J.B. Plater
Boston College Law School
885 Centre Street
Newton Centre MA 02459
617-552-4387
plater@bc.edu

—The Snail Darter & the Dam—

Yale University Press,
now in paperback
...a very small endangered fish's travels through the corridors of American power

On Thu, Aug 13, 2015 at 1:10 PM, Villa, Clifford <villa@law.unm.edu> wrote:

For any of you following the horrific spill of mine contamination into the Animas River last week, with impacts on four SW states, the Navajo Nation, and many other

places and people, you may be interested in the op-ed piece published today in the Albuquerque Journal and available at the link below.

Naturally, there is so much more to say here, but while the emergency operations remain in full swing, the op-ed today is a start. If any related questions, please feel free to reply to me offline (at my new UNM email address).

<http://www.abqjournal.com/627504/opinion/clearing-up-questions-on-river-spill.html>

Best Regards,

Clifford J. Villa

Assistant Professor

University of New Mexico School of Law

villa@law.unm.edu

[\(505\) 277-5664](tel:(505)277-5664)